

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	NO. 2:10-CV-247-J
	§	
\$99,980.00 IN U.S. CURRENCY	§	
	§	
Defendant <i>In Rem</i> .	§	

COMPLAINT FOR FORFEITURE

The United States of America (the Government) files this complaint *in rem* against the Defendant property, to wit, \$99,980.00 in U.S. currency (defendant property) and in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (the Supplemental Rules) alleges as follows:

I.

This Court has subject matter jurisdiction of this cause of action by virtue of the provisions of 28 U.S.C. § 1345 and 1355(a). The Court has *in rem* jurisdiction because of 28 U.S.C. § 1355(b). Venue is proper under 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395(b).

II.

The statutory bases for this suit are 21 U.S.C. § 881(a)(6) and 18 U.S.C. §§ 981(a)(1)(A), 981(b), 1956, and 1957. Also applicable are 28 U.S.C. §§ 2461 and 2465,

18 U.S.C. § 983, and Rule G of the Supplemental Rules.

III.

On or about May 27, 2010, the Defendant property was seized on land in Carson County, Texas, in the Northern District of Texas, during a consensual search by a Texas Department of Public Safety Officer. On May 27, 2010 proceedings regarding the Defendant property were approved for adoption by the Department of Homeland Security, Immigration and Customs Enforcement (ICE). The defendant property was deposited in the ICE Suspense Account at the Bank of America in Las Colinas, Texas.

IV.

This action *in rem* is being brought in the United States District Court pursuant to the provisions of 18 U.S.C. § 983(a)(3)(A), because **Michael Phipps (Phipps)** filed a claim to the defendant property with ICE on July 21, 2010 after receiving notice, pursuant to 18 U.S.C. § 983(a)(1)(A), of a nonjudicial forfeiture proceeding.

V.

The names and last known addresses of any known possible claimants to the defendant property are:

Michael Phipps
4406 Litchfield Dr.
Richmond, Va 23832

Devon Rose
7456 Sommers Rd.
Philadelphia, Pa 19138

Phipps is represented in the ICE's administrative forfeiture proceeding against the defendant property by attorney, Jeff Blackburn, 718 W. 16th, Amarillo, Tx 79101. Devon Rose did not make a claim in the nonjudicial forfeiture proceeding.

VI.

The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of Chapter 13, Subchapter I of Title 21, United States Code; is proceeds traceable to such an exchange; and/or was used or intended to be used to facilitate a violation of Chapter 13, Subchapter I of Title 21, United States Code. The defendant Property is also subject to forfeiture under 18 U.S.C § 981(a)(1)(A) which provides that any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 and/or 1957 is subject to forfeiture. Facts justifying forfeiture are more fully set forth in the Verification Affidavit of ICE agent Andrew Peters, attached hereto and incorporated herein as Exhibit "A,"

VII.

WHEREFORE, the Government requests the following:

1. A District Clerk issue a warrant for the arrest of the Defendant property as provided by Rule G(3)(b)(i) of the Supplemental Rules.
2. The defendant property be arrested by the United States Marshal (or his designee authorized by law) as provided by Rule G(3)(c) of the Supplemental Rules.
3. Publication of notice of the Complaint For Forfeiture and warrant for arrest of

property be made on the official Government Internet forfeiture site www.forfeiture.gov for at least 30 consecutive days in accordance with Rule G(4)(a)(iv)(C) of the Supplemental Rules.

4. All persons having any interest in or right against said defendant property be advised:
 - (1) by said public notice as required by Rule G(4)(a) of the Supplemental Rules; or
 - (2) by direct notice on the known possible claimant(s) in paragraph IV, as required by Rule G(4)(b) of the Supplemental Rules, of the opportunity to timely file a verified claim identifying the interest or right to the defendant property in this Court as required by Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A); and to file an answer to this Complaint for Forfeiture or a motion under Fed. R. Civ. P. 12 in the manner required by the provisions of Rule G(5)(b) of the Supplemental Rules and 18 U.S.C. § 983(a)(4)(B). Further, any person filing a verified claim of interest or right and/or an answer shall serve a copy of same on Steven Jumes, Assistant United States Attorney, c/o Burnett Plaza, Suite 1700, 801 Cherry Street, Unit #4, Fort Worth, Texas 76102-6882.
5. After all proceedings are had on this Complaint for Forfeiture, that the Defendant property be condemned by judgment and order of this Court and declared and decreed forfeited to the United States of America according to law.
6. All costs and expenses incurred by the United States in obtaining the condemnation and forfeiture of the defendant property be appropriately taxed against any person or entity who may file a verified claim and answer herein, and/or if more than one

person or entity files a verified claim and answer herein be jointly taxed and prorated among them, as the Court deems just and equitable.

7. The United States have such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

JAMES T. JACKS
UNITED STATES ATTORNEY

/s/ Steven Jumes

Steven Jumes

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